

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- September 14, 1966

Appeal No. 8907 Thomas H. Ryon Company, appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on September 20, 1966.

ORDERED:

That the appeal for a variance from the street frontage requirements of Section 3301.5 to permit erection of single-family dwellings at Blair Road and Eastern Avenue, NW., lots 805 and 806, square 3180, be denied.

FINDINGS OF FACT:

- (1) Appellant's property is located in an R-1-B District.
- (2) Section 3301.5 of the Zoning Regulations which was adopted on February 15, 1966 requires that each newly created lot have a street frontage of at least equal to 40% of the minimum lot width and in no case less than 14 feet.
- (3) Appellant proposes to create two lots which will have only 8.15 feet of frontage along Blair Road instead of the required minimum of 14 feet.
- (4) Appellant's site has an irregular triangular shape with the following dimensions: 353.18 feet x 292.82 feet x 208.21 feet and contains approximately 29,000 square feet.
- (5) Appellant's architect stated that in March 1965 a plan was submitted to the Zoning Administrator's office for subdivision of the subject site into five (5) lots of R-1-B size and that the subdivision met all requirements -- lot size, street frontage, etc.
- (6) The record contains a letter dated August 30, 1966 from Thomas H. Dudley who was Assistant Zoning Administrator prior to December 1965. That letter states: "I had occasion as Assistant Zoning Administrator to analyze subject subdivision plat and found it was in accordance with the District of Columbia Zoning Regulations then in effect."

(7) The purportedly approved subdivision was never made and no application to the Surveyor's Office requesting the subdivision was made prior to the effective date of Section 3301.5

(8) According to the plat contained in the file, the original parcel contained two lots (805 and 806) and that the proposed subdivision will contain five (5) lots, each containing more than 5,000 square feet. Proposed lots 1, 2, and 3 conform to the Regulations, while lots 4 and 5 do not conform to Section 3301.5 of the Regulations.

(9) No opposition to the granting of this appeal was registered at the public hearing.

OPINION:

The Board is of the opinion that appellant has failed to show any justification for a variance from the strict application of Section 3301.5. There is no reason why this property cannot be subdivided in accordance with the Regulations. Admittedly, a subdivision conforming to the Regulations will not create as many building sites as appellant desires but the Board must find a hardship relating to land in order to support a variance. Here, the hardship is being created by the appellant.